IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.31691 of 1997

Dated: 06-02-2007

Between:

1. Smt. Nadimpalli Lakshmikanthamma,
   w/o late N.Venkatarama Raju,
   aged about 65 years,
   r/o Mummadivaram,
   Mummadivaram Mandal,
   East Godavari District and 2 others.

... Petitioners

and

1. The District Collector,
   East Godavari District,
   Kakinada and 2 others.

... Respondents

ORDER:

This petition is filed seeking *mandamus* declaring the action of the respondents in proposing to grant assignment or allotment to the land covered by R.S.Nos.889/3, 889/2 and 889/1 of Roads and Buildings road margin of K.M.14/0 + 150 to 14/4 + 50 of Amalapuram to

Yedurulanka road in Mummadivaram village, Mummadivaram Mandal, East Godavari District, as illegal and arbitrary.

2. It is the case of the petitioners that the first petitioner is having Ac.3-00 of dry land in R.S.No.889/3 in Mummadivaram village and in the year 1987 R & B department granted permission to the first petitioner to plant 70 coconut plants in the right side margin of K.M.14/0 + 150 to
14/4 + 50 of Amalapuram – Yedurulanka road in R.S. Nos.889/3, 889/2 and 889/1, on lease on payment of annual licence fee. Accordingly, first petitioner planted coconut trees in the year 1987 and those plants have grown and ready for yielding. It is stated that on the northern side of the first petitioner's land, the petitioners 2 and 3, who are none other than the sons of the first petitioner, have got small extents of land wherein a saw mill and house are situated. The grievance of the petitioners is that to their utter shock and dismay, the respondents 2 and 3 are trying to allot and assign the said road margin to the third parties to put up their shops.

3. In the counter affidavit filed on behalf of the respondents it is stated that the respondents have undertaken the survey of the area between Yedurulanka – Amalapuram due to the increase in the widening of the road margin in the removal of existing buddies all along set up by poor as a measure of livelihood. It was only a mere survey to explore the extent to which the owners of buddies

could be rehabilitated and there was no interference at any time with the petitioners land nor with the land on which the first petitioner was granted lease by the R & B Department to plant coconut trees. It is further stated that the first petitioner has rushed to this Court on the basis of mere surmises and conjectures.

4. Heard learned counsel for the parties.

5. In the light of the averment made in the counter affidavit of the respondents, this Court is of the view that no orders need be passed in this writ petition.

6. Accordingly, the writ petition is closed. No costs.

JUSTICE GOPALAKRISHNA TAMADA

Dt.06-02-2007
GLV